

REMARKS

Introduction

Claims 1-167 are pending in this case.

The Examiner rejected claims 1, 2, 7, 13, 15, 17-41, 46, 52, 54-58, 63, 69, 71, 73-96, 101, 107, 109-113, 118, 124, 126, 128-152, 157, 163, and 165-167 under 35 U.S.C. § 102(e) as being anticipated by Schein et al. U.S. Patent 6,002,394 (hereinafter "Schein"). The Examiner rejected claims 3, 4, 9, 10, 42, 43, 48, 49, 59, 60, 65, 66, 97, 98, 103, 104, 114, 115, 120, 121, 153, 154, 159, and 160 under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Lawler et al. U.S. Patent 5,699,107 (hereinafter "Lawler"). The Examiner has rejected claims 5, 6, 11, 12, 44, 45, 50, 51, 61, 62, 67, 68, 99, 100, 105, 106, 116, 117, 122, 123, 155, 156, 161, and 162 under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Ming et al. U.S. Patent 5,710,815 (hereinafter "Ming"). The Examiner has rejected claims 8, 14, 47, 53, 64, 70, 102, 108, 119, 125, 158, and 164 under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Casement et al. U.S. Patent 5,969,748 (hereinafter "Casement"). The Examiner has rejected claims 16, 72, and 127 under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Seibert U.S. Patent 6,601,107 (hereinafter "Seibert").

Reconsideration of this application in light of the following remarks is hereby respectfully requested.

Summary of Telephonic Interview

Applicants would like to thank the Examiner for the telephonic interview of January 27, 2005.

With respect to independent claims 1, 54, 57, 109, 112, and 165, applicants asserted during the interview that the claimed invention is distinguishable because it advantageously selects frequently-used current program data for inclusion in a continuous data stream. The Examiner requested that applicants clarify the term "current program guide data" to include its definition as frequently-used data. Applicants have complied with the Examiner's request in the foregoing claim amendments. Applicants further asserted during the interview that the claimed invention is distinguishable because it refers to an advantageous system and method in which a "carousel" type continuous data stream is complemented by a "client-server" type approach. The Examiner stated that further consideration of "carousel" art was necessary.

With respect to independent claims 41, 46, 52, 56, 96, 101, 107, 111, 152, 163, and 167, applicants asserted during the interview that applicants' invention advantageously distributes a unique identifier corresponding to a particular television program in the continuous data stream to the interactive television program guide, such that the guide could intelligently recognize when the particular television

program was being broadcast and correctly perform a real-time action associated with the program (e.g., reminder, recording, etc.) even when the program broadcast time has been altered. Applicants suggested an amendment to the claims that would clarify the fact that the unique identifier is distributed when the particular television program is being broadcast. The Examiner agreed that such an amendment would render the claims distinguishable over the cited art. Applicants have accordingly implemented this amendment.

Amendments to The Claims

Applicants have amended claims 1, 41, 54, 56, 57, 96, 109, 111, 112, 152, 165, and 167 to more particularly define applicants' claimed invention. No new matter has been added and the amendments are fully supported by the applicants' original specification.

Claims 1-40, 54, 55, 57-95, 109, 110,
112-151, 165, and 166

The Examiner has rejected claims 1, 2, 7, 13, 15, 17-40, 54, 55, 57, 58, 63, 69, 71, 73-95, 109, 110, 112, 113, 118, 124, 126, 128-151, 165, and 166 under 35 U.S.C. § 102(e) as being anticipated by Schein. The Examiner has rejected claims 3, 4, 9, 10, 59, 60, 65, 66, 114, 115, 120, and 121 under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Lawler. The Examiner has rejected claims 5, 6, 11,

12, 61, 62, 67, 68, 116, 117, 122, and 123 under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Ming. The Examiner has rejected claims 8, 14, 64, 70, 119, and 125 under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Casement. The Examiner has rejected claims 16, 72, and 127 under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Seibert. The Examiner's rejections are respectfully traversed.

Applicants' amended independent claims 1, 54, 57, 109, 112, and 165 relate to systems and methods for providing program guide data to an interactive television program guide. The program guide data includes current program guide data that is frequently used, which is selected for inclusion in a continuous data stream. The interactive television program guide obtains the frequently-used current program guide data directly from the continuous data stream for inclusion in program guide displays on user television equipment (i.e., in a "carousel" approach). The interactive television program guide also obtains the one or more unique identifiers from the continuous data stream. In addition, at least some of the program guide data is obtained from a program guide server in response to requests generated by the interactive television program guide (i.e., in a "client-server" approach).

Applicants' claimed approach of allowing an interactive television program guide to obtain program guide

data both from a continuous data stream and in a client-server arrangement advantageously allows for frequently-used current program guide data to be available more quickly (by eliminating delay caused by a client-server request and increasing latency in the stream by limiting the amount of data in the stream) without requiring persistent storage at the user television equipment (see page 5, lines 8-21 and page 17, line 23 to page 18, line 2 of applicants' specification).

While applicants' invention, as defined by independent claims 1, 54, 57, 109, 112, and 165, may generally implicate the subject matter of Schein, applicants' invention patentably improves upon Schein by providing an interactive television program guide that 1) selects frequently-used current program guide data for inclusion in a continuous data stream, and 2) obtains the frequently-used current program guide data from the continuous data stream and obtains at least some program guide data from a program guide server responsive to requests generated by the interactive television program guide. In contrast, Schein does not include subject matter regarding 1) the selection of frequently-used current program guide data or 2) the beneficial combination of a "carousel" type (continuous data stream) system with a "client-server" type (program guide server) system.

Accordingly, applicants respectfully submit that independent claims 1, 54, 57, 109, 112, and 165 are now in condition for allowance. Claims 2-40, which depend from independent claim 1, claims 58-95, which depend from independent claim 57, claim 110, which depends from independent claim 109, claims 113-151, which depend from independent claim 112, and claim 166, which depends from independent claim 165, are also in condition for allowance.

Claims 41-53, 56, 96-108, 111, 152-164, and 167

The Examiner has rejected claims 41, 46, 52, 56, 96, 101, 107, 111, 152, 157, 163, and 167 under 35 U.S.C. § 102(e) as being anticipated by Schein. The Examiner has rejected claims 42, 43, 48, 49, 97, 98, 103, 104, 153, 154, 159, and 160 under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Lawler. The Examiner has rejected claims 44, 45, 50, 51, 99, 100, 105, 106, 155, 156, 161, and 162 under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Ming. The Examiner has rejected claims 47, 53, 102, 108, 158, and 164 under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Casement. The Examiner's rejections are respectfully traversed.

Applicants' amended independent claims 41, 56, 96, 111, 152, and 167 relate to systems and methods for providing program guide data to an interactive television program guide.

The program guide data can include one or more unique identifiers that are obtained from a continuous data stream. The interactive television program guide can perform a real-time action (e.g., set a reminder, order a pay-per-view program, record a program, lock and unlock a program), associated with a television program identified by a particular unique identifier when the particular unique identifier is in the continuous data stream. The particular unique identifier is distributed in the continuous data stream when the identified television program is being broadcast. Some of the program guide data can also be obtained from a program guide server in response to requests generated by the interactive television program guide.

In addition to the advantages of allowing an interactive television program guide to obtain program guide data both from a continuous data stream and in a client-server arrangement as described above, applicants' claimed approach also advantageously allows for the interactive television program guide to accommodate last-minute scheduling changes that can affect a real-time action (see pages 38-39 of applicants' specification).

While applicants' invention, as defined by independent claims 41, 56, 96, 111, 152, and 167, may generally implicate the subject matter of Schein, applicants' invention patentably improves upon Schein by providing an

interactive television program guide that performs a real-time action associated with a television program identified by a particular unique identifier when the particular unique identifier is in the continuous data stream, wherein the unique identifier is distributed in the continuous data stream when the television program is being broadcast. In contrast, Schein refers to a system in which commands are continuously sent to the user equipment to update the user database without regard to when a television program associated with the commands is being broadcast.

Accordingly, applicants respectfully submit that independent claims 41, 56, 96, 111, 152, and 167 are now in condition for allowance. Claims 42-53, which depend from independent claim 41, claims 97-108, which depend from independent claim 96, and claims 153-164, which depend from independent claim 152, are also in condition for allowance.

Information Disclosure Statement

Applicants have not yet received initialed PTO-1449 Forms for the Information Disclosure Statements mailed on June 11, 1999 and April 20, 2000. Applicants respectfully request that copies of the PTO-1449 Forms, as considered and initialed by the Examiner, be returned with the next communication.

Conclusion

Applicants submit that this application is now in condition for allowance. Accordingly, prompt consideration and allowance of this application are respectfully requested.

Respectfully submitted,



Patrick J. Zhang
Registration No. 52,394
Agent for Applicants
FISH & NEAVE IP GROUP
ROPES & GRAY LLPs
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
(212) 596-9000